

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**MICKI LYN SMITH,**  
*Plaintiff,*

**v.**

**COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION,**  
*Defendant.*

§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION No. 6:13-cv-703**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Micki Lyn Smith initiated this civil action pursuant to Social Security Act, Section 205(g) for judicial review of the Commissioner's denial of Plaintiff's application for Social Security benefits. The case was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the decision of the Commissioner should be affirmed and the action dismissed with prejudice.

The Report and Recommendation of the Magistrate Judge, which contains his findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. Plaintiff has filed an objection to the Report and Recommendation (Doc. No. 24). Specifically, Plaintiff objects to Judge Love's finding that the ALJ was not required to perform a detailed analysis under 20 C.F.R. § 404.1527(c)(2) before rejecting Dr. Calodney's medical records. *Id.* Judge Love found that the record contains reliable, contradicting medical evidence from treating physicians, including the records produced by Dr. Calodney, and that the ALJ performed a thorough analysis of that evidence (Doc. No. 23 at 12). The ALJ cited to contradicting medical evidence from Dr. Calodney, which indicated that: 1) on February 15, 2011, Plaintiff had 5/5 motor strength throughout except for 4+/5 in her left upper extremity, and

that she had good range of motion without pain in her right shoulder (ALJ DECISION at 6 (citing Tr. at 398)). Therefore, Judge Love concluded that the ALJ was not required to perform a detailed analysis under 20 C.F.R. § 404.1527(c)(2) in light of *Rollins v. Astrue*, 464 F. App'x 353, 358 (5th Cir. 2012) (explaining that “where there is reliable medical evidence from a treating or examining physician that controverts the claimant's physician, the detailed inquiry of each factor in § 404.1527[(c)](2) is unnecessary.”). Accordingly, the Court agrees with the Magistrate Judge’s finding that the ALJ was not required to perform at detailed analysis under 20 C.F.R. § 404.1527(c)(2).

Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the decision of the Commissioner is **AFFIRMED** and the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that any motion not previously ruled on is **DENIED**.

**It is SO ORDERED.**

**SIGNED this 14th day of August, 2015.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE